



PLANNING COMMISSION AGENDA

Wednesday, February 22, 2006

6:30 p.m. Regular Meeting
Council Chambers, City Hall

200 East Santa Clara Street
San Jose, California

Bob Dhillon, Chair
Xavier Campos, Vice-Chair

Bob Levy Jay James
Dang T. Pham
Christopher Platten James Zito

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, February 22, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

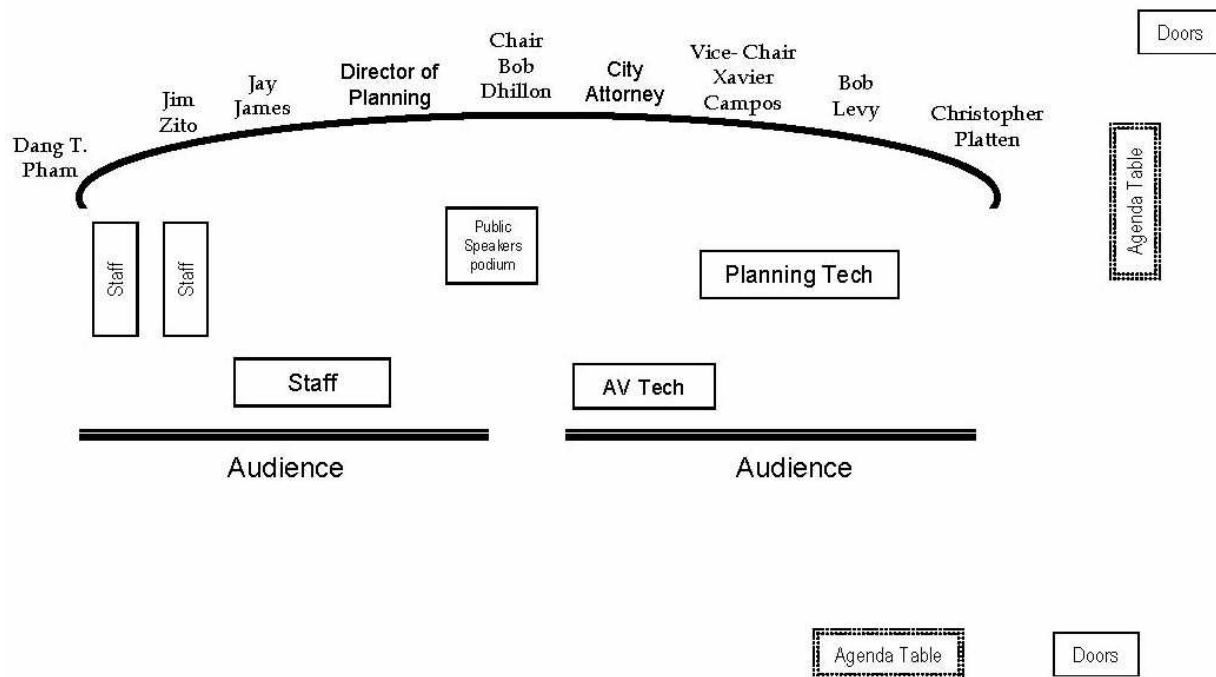
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. [«ReferenceFile»](#). «FolderDesc» in the «Zoning» Zoning District, located at/on «PropertyLocation»(«Owner»). Council District «CouncilDistrict». SNI: «SNI». CEQA: «EnviroReview».

DEFER TO 3-8-06

- b. [CPA00-030-02](#). Conditional Use Permit Amendment to allow a time extension for a previously approved expansion of an asphalt batch plant on a 8.58 gross acres site in the HI Heavy Industrial Zoning District located on westerly side of Monterey Road approximately 280' southerly of Umbarger Road (2829 Monterey Road) (Raisch Investment Group Ltd, Owner). Council District 7. SNI: None. CEQA: Addendum to a Negative Declaration (File No. CP00-030).

DEFER TO 3-8-06

- c. [CP04-076](#). Conditional Use Permit to allow a wireless communications antenna and associated equipment building on a 0.01 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at northwest corner of Narvaez Avenue and Branham Lane (Vta Mr Rajwinder Sehdev, Owner; Nextel Of California Mr David Nay, Developer). Council District 10. SNI: None. CEQA: Exempt.

DEFER TO 3-8-06

- d. [SP05-035](#). APPEAL of the Planning Director's decision to deny a request to allow the installation of a new 50-foot tall monopole, with 6 wireless communications antennas and associated equipment on a 1.5 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at the south side of Camden Avenue approximately 300 feet west of Union Avenue (2030 CAMDEN AV) (Cambrian Park Baptist, Owner). Council District 9. SNI: none. CEQA: Exempt.

WITHDRAWN

- e. [PDC05-060](#). Rezoning from Unincorporated County to A(PD) Planned Development Zoning District to allow up to 199 single-family attached residential units and two existing single-family detached residences on a 10.5 gross acre site, located on the southwest corner of Capitol Avenue and Mabury Road (781 N CAPITOL AV) (Messina Richard V, Messina Richard V Trustee & Et Al, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 1-25-06.

DEFER TO 3-8-06

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [CP05-052](#). Wireless-Conditional Use Permit to allow collocation of a six-panel wireless communication antennae on an existing PG&E transmission tower and associated equipment cabinets on a 1.1 gross acres site in the R-1-5 Single-Family Residence Zoning District, located at/on northeast corner of Golden Oak Way and McAbee Road adjacent to Jeffrey Fontana Park (Pacific Gas & Electric, Owner; Verizon Wireless, Developer). Council District 10. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Wireless-Conditional Use Permit to allow collocation of a six-panel wireless communication antennae on an existing PG&E transmission tower and associated equipment cabinets as recommended by Staff.

- b. [CPA00-025-01](#). Conditional Use Permit Renewal to allow continued use of a wireless communication monopole on a 0.75 gross acre site in the CO Office Commercial Zoning District, located on the north side of Moorpark Avenue approximately 800 feet east of Winchester Blvd (2995 MOORPARK AV)(Unity Health Care Workers, Owner/Crown Castle USA, Developer). Council District 6. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Approve a Conditional Use Permit Renewal to allow continued use of a wireless communication monopole as recommended by Staff.

- c. [PDC05-073](#). Planned Development Rezoning from R-2 Two-Family Residential Zoning District to A(PD) Planned Development Zoning District to allow four single-family detached residences on a 0.37 gross acre site, located on the south side of West Taylor Street approximately 230 feet easterly of Elm Street (846 W. Taylor Street) (846 W TAYLOR ST) (Kim Chong Kil Et Al, Owner/Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from R-2 Two-Family Residential Zoning District to A(PD) Planned Development Zoning District to allow four single-family detached residences as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [An Ordinance amending Title 20](#) of the San Jose Municipal Code, the zoning code, to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums, and to make other clarifying changes, including changes to section 20.40.100 of Chapter 20.40, section 20.50.100 of Chapter 20.50, section 20.70.100 of Chapter 20.70, and Chapters 20.175 and 20.200 of the zoning code; and to make non-substantive clarifying changes to section 20.30.100 of Chapter 20.30 of the zoning code. CEQA: Exempt, PP06-012.

Staff Recommendation:

Recommend to the City Council approval of a proposed ordinance amending Title 20 of the San Jose Municipal Code to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums, and to make other clarifying changes as recommended by Staff.

- b. [PDC04-088](#). Planned Development Rezoning from A(PD) Planned Development to A(PD) Planned Development to increase the allowed number of single-family attached residences from 75 to 78 and modify development standards on a 1.44 gross acre site, located on the west side of McCreery Avenue approximately 230 feet southerly of Alum Rock Avenue (1884 ALUM ROCK AV) (Dry Heron Development LLC, Owner). Council District 5. SNI: Mayfair. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from A(PD) Planned Development to A(PD) Planned Development to increase the allowed number of single-family attached residences from 75 to 78 and modify development standards as recommended by Staff.

- c. [CP05-059](#). Conditional Use Permit to allow a daycare facility with a new 2,844 square-foot modular building and associated site improvements on an existing 1.2 acre church site in the R-1-8 Single-Family Residence, R-M Multiple Residence Zoning District, located at/on northeast corner of Park Avenue and West Hedding Street (1920 PARK AV)(Heart Of Valley Baptist Church, Owner). Council District 6. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow a daycare facility with a new 2,844 square-foot modular building and associated site improvements as recommended by Staff.

- d. [PDC05-026](#). Planned Development Rezoning from R-M Multiple Family Residence District to A(PD) Planned Development Zoning District to allow the demolition of an existing single-family detached residence and construction of up to 4 single-family detached residences on a 0.37 gross acre site, located on the north side of Villa Avenue, 150 feet easterly of Myrtle Street (969 VILLA AV) (Helweh Sahel Et Al, Owner; LG Developers, LP, Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 1-25-06.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from R-M Multiple Family Residence District to A(PD) Planned Development Zoning District to allow the demolition of an existing single-family detached residence and construction of up to 4 single-family detached residences as recommended by Staff.

- e. [PDC05-095](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the maximum number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial (office and retail), to reduce the maximum amount of retail from 30,000 square feet to 29,225 square feet, and to modify the development standards for a 12.7 acre site located at the southeast corner of Southwest Expressway and Fruitdale Avenue (Vidovich John T Et Al, Owner). Council District 6. SNI: None. CEQA: EIR Resolutions 69886 and 70356.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the maximum number of attached residential units as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 - 1. Responding to statements made or questions posed by members of the public; or
 - 2. Requesting staff to report back on a matter at a subsequent meeting; or
 - 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (James).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Levy)
- c. [Review of synopsis](#)
- d. Add a Joint Study Session with Parks and Recreation Commission on March 22nd from 5:00 – 6:20 p.m.
- e. Add General Plan on 2006 Planning Commission Schedule for March 22nd and April 12th.

8. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	6:30 p.m.	Regular Meeting	Council Chambers
April 12	6:30 p.m.	Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	4:30 p.m.	<i>Study Session</i>	TBA
		Review CIP	
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	6:30 p.m.	Regular Meeting	Council Chambers
June 5	6:30 p.m.	Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers